IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7393 of 2005

Between:

Garaga Peddiraju, S/o. Sathiya,
R/o. Jaddangi Village, Rajavommangi Mandal, East Godavari District.

..... PETITIONER

AND

1 The Additional Agent to the Government, East Godavari District at Rampachodavaram.
2 The Special Deputy Collector (TW), Rampachodavaram, East Godavari District.
3 The Mandal Revenue Officer, Rajavommangi, East Godavari District.
4 The Special Deputy Tahsildar, Rajavommangi, East Godavari District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in evicting the petitioner from the land to an extent of Ac. 7.36 cents in Sy.No. 493 of Jaddangi Village, Rajavommangi Mandal, East Godavari District in pursuance of the order passed by the 2nd respondent L.T.R.P.No. 187/2004 as illegal, arbitrary and unjust and consequently direct the respondents not to evict the petitioner from the above land pending disposal of the appeal or stay petition preferred before the 1st respondent.

Counsel for the Petitioner: MR.K.VENKATESH

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court, at the admission stage, made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in evicting the petitioner from the land to an extent of Ac.7.36 cents in Sy.No.493 of Jaddangi village, Rajavommangi Mandal, East Godavari District in pursuance of the order passed by the 2nd respondent in L.T.R.P.No.187 of 2004 as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare and perused the material on record.

The case of the petitioner is that against the order of the 2nd respondent in L.T.R.P.No.187 of 2004, he has already preferred an appeal before the 1st respondent-Additional Agent to the Government, East Godavari District at Rampachodavaram along with an application for stay. However, the 1st respondent has not considered the said application so far and in the meantime, the 2nd and 3rd respondents are taking steps to evict him from the land in question.

Having regard to the facts and circumstances of the case, I am of the view that it is necessary in the interest of justice to protect the rights of the petitioner pending the statutory appeal.

Accordingly, the writ petition is disposed of with a direction to the 1st respondent to dispose of the appeal preferred by the petitioner against the order dated 23.12.2004 in L.T.R.P.No.187 of 2004 as

expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. Pending the appeal, the order in L.T.R.P.No.187 of 2004 passed by the 2nd respondent shall remain suspended. No costs.

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(K.C. BHANU, J.)

5th April, 2005

bcj

To

1 The Additional Agent to the Government, East Godavari District at Rampachodavaram.
2 The Special Deputy Collector (TW), Rampachodavaram, East Godavari District.
3 The Mandal Revenue Officer, Rajavommangi, East Godavari District.
4 The Special Deputy Tahsildar, Rajavommangi, East Godavari District.

5 Two C.Cs. to the Government Pleader for Social Welfare, High Court Buildings, Hyderabad (OUT)

6 Two C.D. copies.